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Monday, November 9, 2020

City Council Regular Meeting Minutes

7:00 p.m., Webex Community Auditorium

***Minutes are unofficial until approved by Council.
Council approved minutes as presented January 11, 2021.***

1. CALLED TO ORDER AND ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:19 p.m. via Webex Video Conference.

COVID-19: Due to the emergency declaration resulting from COVID-19 (Coronavirus disease) and protocols, the City Council limited in-person contact and social distancing. **The City Council conducted the Council meeting remotely by video conferencing.** The meeting was televised live by Tualatin Valley Community Television (TVCTV) Government Access Programming LIVE Channel 30. The public was allowed to attend and observe in the Community Auditorium as space allowed. The Council accepted written comments on items not on the agenda submitted by 3:00 p.m. the day of the meeting.

ROLL CALL: COUNCIL PRESENT ATTENDED BY WEBEX REMOTELY: Kristy Kottkey; Timothy Rippe; Elena Uhing; Mariana Valenzuela; Adolph "Val" Valfre; Malynda Wenzl, Council President; and Mayor Peter Truax.

STAFF PRESENT ATTENDED BY WEBEX REMOTELY: Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; Bryan Pohl, Community Development Director; Tom Gamble, Parks and Recreation Director; Colleen Winters, Library Director; Anna Ruggles, City Recorder; and Bev Maughan (in the Community Auditorium).

1. A. EMPLOYEE RETIREMENT RECOGNITION:

Mayor Truax, on behalf of the Council, presented a Certificate of Appreciation honoring Cindy Donovan, Parks and Recreation (P&R) Department Administrative Specialist II, for her exceptional employment and 25 years of service. Donovan was honored for her outstanding work ethic and contributions that greatly benefited the P&R department for over 25 years. Tom Gamble, P&R Director, and Paul Waterstreet, P&R Chair, were present and expressed their appreciation to Donovan.

1. B. SPECIAL RECOGNITION:

Mayor Truax, on behalf of the Council, honored the Forest Grove Library Foundation for its 20th anniversary. The Foundation was honored for their accomplishments and

their significant contribution to the Forest Grove Library. Rod Fuiten, President of the Foundation, was present to receive the recognition. Colleen Winters, Library Director, was present and expressed her appreciation to the Foundation.

2. CITIZEN COMMUNICATIONS:

Tammi McLaughlin, Forest Grove, addressed Council and read her written testimony. McLaughlin asked for a time and date certain for a response to her questions regarding why Council added the final social justice mural to the October 26, 2020, Council meeting agenda. McLaughlin noted there was no public notice or an opportunity for public engagement. In addition, McLaughlin questioned why no one on the Council objected when a councilor was text messaging with the proponents of the mural during the Council deliberations at the September 28, 2020, Council meeting, noting the councilor read the text messages. McLaughlin noted the councilor appeared to be texting messaging at the October 12, 2020, Council meeting as well.

Lindsey Richardson, Forest Grove, addressed Council and voiced her disappointment of the lack of transparency and community involvement regarding the social justice mural. Richardson proposed in the future that the Committee for Community Involvement (CCI) be responsible to attend the various boards/commissions meetings and work with city staff and departments to ascertain current or future development in the city and then provide a report that could be disbursed to community members, i.e., publishing a monthly newsletter or Facebook postings. In addition, Richardson proposed the City Manager furnish a report in a timely manner and it be available to the public through the city's website.

Eric McLaughlin, Forest Grove, addressed Council and read his written testimony. McLaughlin questioned the Council's use of the phrase "city speech", noting Council avoided the key elements of transparency, inclusion and the opportunity to have all voices heard due to their expediency.

Amber Walker, Forest Grove, addressed Council and commented that no persons were against the wording on the social justice mural, but that it was disappointing that Council provided no public notice before approving a politically divisive mural, noting she hopes Council listens before planning to approve any future murals.

There were no written comments submitted.

Mayor Truax expressed his thanks and appreciation to the above-noted guests who testified, noting he would address the comments raised in the near future. Uhing asked that a date certain be provided this evening to the guests who asked for a response from Council pertaining to their concerns. VanderZanden affirmed that a response would be provided by the end of the week.

3. CONSENT AGENDA:

Items under the Consent Agenda are considered routine and are adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the remaining Consent Agenda item(s).

- A. Approve City Council Regular Meeting Minutes of October 12, 2020.
- B. Approve City Council Work Session (Boards/Commissions (B/C) Applicant Recruitment Interviews) Meeting Minutes of October 26, 2020.
- C. Accept Parks and Recreation Commission Regular Meeting Minutes of September 16, 2020.
- D. Accept Resignation of Lilly Meek from Sustainability Commission, Appointed 11/18 for term ending 12/31/22.
- E. **RESOLUTION NO. 2020-105 AUTHORIZING THE CITY MANAGER TO EXTEND AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN CITY OF FOREST GROVE; THE CITY OF HILLSBORO; THE CITY OF CORNELIUS; THE TUALATIN VALLEY FIRE AND RESCUE; BANKS FIRE DISTRICT NO. 13; CORNELIUS RURAL FIRE PROTECTION DISTRICT; FOREST GROVE RURAL FIRE PROTECTION DISTRICT; AND GASTON RURAL FIRE PROTECTION DISTRICT.**
- F. **RESOLUTION NO. 2020-106 AMENDING THE CITY OF FOREST GROVE'S DECLARATION OF STATE OF EMERGENCY, EFFECTIVE MARCH 14, 2020, AT 1:00 P.M., TO BE EXTENDED AND REMAIN IN EFFECT UNTIL 8:00 P.M. ON NOVEMBER 23, 2020, UNLESS SUPERSEDED SOONER; AMENDING RESOLUTION NO. 2020-101.**

MOTION: Councilor Uhing moved, seconded by Councilor Valfre, to approve the Consent Agenda as presented. **VOICE VOTE:** AYES: Councilors Kottkey, Rippe, Uhing, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. **MOTION CARRIED 7-0.**

4. ADDITIONS/DELETIONS: None.

5. PRESENTATIONS: None.

6. SECOND READING OF ORDINANCE NO. 2020-05 AMENDING FOREST GROVE DEVELOPMENT CODE ARTICLE 1 INTRODUCTION AND PROCEDURES, ARTICLE 3 ZONING DISTRICTS, ARTICLE 4 OVERLAY DISTRICTS AND ARTICLE 8 GENERAL DEVELOPMENT STANDARDS; FILE NO. 311-20-000165-PLNG

The first reading of Ordinance No. 2020-05 by title occurred at the Council meeting of October 26, 2020.

Staff Report:

Reitz and Pohl presented the above-proposed ordinance for second reading, noting staff had nothing further to report.

Public Hearing Continue:

Mayor Truax continued the Public Hearing from the meeting of October 26, 2020, and explained the legislative hearing procedures.

Written Testimony Received:

No written testimony was received.

Proponents:

No one testified and no written comments were received.

Opponents:

No one testified and no written comments were received.

Others:

No one testified and no written comments were received.

Public Hearing Closed:

Mayor Truax closed the Public Hearing.

Council Discussion:

Hearing no concerns from the Council, Mayor Truax asked for a roll call vote on the motion made at the meeting of October 26, 2020.

VanderZanden read Ordinance No. 2020-05 by title for second reading.

ROLL CALL VOTE: AYES: Councilors Kottkey, Rippe, Uhing, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

7. RESOLUTION NO. 2020-102 AUTHORIZING CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN FOREST GROVE / CORNELIUS CHAMBER OF COMMERCE, THE CITY OF FOREST GROVE, AND THE CITY OF CORNELIUS OUTLINING A FRAMEWORK FOR SISTER CITY RELATIONSHIPS

Staff Report:

VanderZanden presented the above-noted proposed resolution for Council consideration, noting the resolution is authorizing the City Manager to execute a Memorandum of Understanding (MOU) between the Forest Grove / Cornelius

Chamber of Commerce, City of Forest Grove and City of Cornelius, which is outlining the framework for sister city relationship. VanderZanden reported in the fall of 2019, the Sister Cities Committee, a working committee of the Chamber, developed a set of bylaws and administrative instructions that would capture the experiences and historical knowledge of the City's 30-year relationship with Nyuzen, Japan. In addition, under the auspices of the Chamber as the sponsoring agency, the structure of the committee is designed to accommodate the expansion and establishment of other sister city relationships with Cornelius as either a stand-alone (Cornelius only) relationship or a sister city relationship that both cities mutually agree to establish. Delegation exchanges are managed and planned on a two-year cycle involving both sending and receiving an adult delegation between sister cities. The MOU is non-binding to the parties involved, but it does provide a clearer understanding of how planning, execution and communication are shared between parties. In addition, the Chamber board of directors approved the Committee's bylaws at its meeting on September 21, 2020. The City of Cornelius will be considering approving the MOU in the near future as it provides an opportunity to eventually attract a sister city relationship with a Spanish-speaking country. In conclusion of the above-noted staff report, VanderZanden advised staff is recommending Council consider approving the proposed resolution as outlined in Exhibit A, noting the MOU provides that the City provide budgeted funds in support of the costs to administer the program.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2020-102.

VanderZanden read Resolution No. 2020-102 by title.

MOTION: Council Uhing moved, seconded by Councilor Rippe, to approve Resolution No. 2020-102 Authorizing City Manager to Execute a Memorandum of Understanding between Forest Grove / Cornelius Chamber of Commerce, the City of Forest Grove, and the City of Cornelius Outlining a Framework for Sister City Relationships.

Council Discussion:

In response to Council President Wenzl inquiry pertaining to the budgetary impact, Downey explained the City has a separate line item for sister city contribution under Legislative and Executive for expenses, such as gifts (not to exceed \$150 per party), and host-related dinner and activities for sponsoring the delegation visits. In addition, Wenzl commended Rippe for his work with the committee as Council Liaison.

Hearing no further concerns from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors Kottkey, Rippe, Uhing, Valenzuela, Valfre, Wenzl,

and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

8. **RESOLUTION NO. 2020-103 AUTHORIZING CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN CITY OF FOREST GROVE AND OREGON DEPARTMENT OF REVENUE RELATING TO CREDIT COLLECTION SERVICES**

Staff Report:

Downey presented the above-noted proposed resolution for Council consideration, noting the resolution is authorizing to City Manager to execute an Intergovernmental Agreement (IGA) with the Oregon Department of Revenue (DOR), which would allow the Forest Grove/Cornelius Municipal Court to use the State Department of Revenue (DOR) for collections for unpaid court judgments (i.e., from traffic fines, city code violation fines, etc.) that would be collected from individual's Oregon state income tax refund. Downey reported it is becoming increasingly difficult for the court to collect unpaid court judgments as the Department of Motor Vehicles has removed the court's ability to suspend driver's licenses for unpaid traffic-related fines. In conclusion of the above-noted staff report, Downey advised staff is recommending Council consider approving the proposed resolution as outlined in Exhibit A, noting other courts have already signed the IGA with the DOR.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2020-103.

VanderZanden read Resolution No. 2020-103 by title.

MOTION: Council Rippe moved, seconded by Councilor Uhing, to approve Resolution No. 2020-103 Authorizing City Manager to Execute an Intergovernmental Agreement (IGA) Between City of Forest Grove and Oregon Department of Revenue Relating to Credit Collection Services.

Council Discussion:

Valfre voiced concerns that using tax refunds for collections places a burden on the most vulnerable population, such as people of color and lower income, noting city procedures and agenda reports need to include Council Goal 1, an analysis of the fiscal impact statement based on diversity, equity, and inclusion in all city services.

Uhing voiced concerns that part of the professional suit for DEI is to look at the equity lens for everyone and how that might negatively impact vulnerable populations.

Mayor Truax concurred, noting we need to do more.

Hearing no further concerns from the Council, Mayor Truax asked for a roll call vote

on the above motion.

ROLL CALL VOTE: AYES: Councilors Kottkey, Rippe, Valenzuela, Wenzl, and Mayor Truax. NOES: Uhing and Valfre. MOTION CARRIED 5-2.

9. RESOLUTION NO. 2020-104 AMENDING COUNCIL RULES TO INCORPORATE AN INTRODUCTORY STATEMENT AND A REGULAR SESSION END TIME

Staff Report:

VanderZanden presented the above-noted proposed resolution for Council consideration, noting the resolution is amending the Council Rules to incorporate an Introduction Statement, modeled after the 2017 League of Oregon Cities (LOC) "Model Rules of Council Procedures", and amending Section 3. 1. to adjourn the regular meeting at 9:30 p.m. VanderZanden reported Council met in work session on October 12, 2020, and reviewed the proposed changes, noting staff is taking a systemic and incremental approach to discussing each proposed rule revisions. There are three more initial work sessions planned. The sections that Council reaches consensus on will be embodied in a resolution for Council consideration. In conclusion of the above-noted staff report, VanderZanden advised staff is recommending Council consider approving the proposed resolution as outlined in Exhibit A

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2020-104.

VanderZanden read Resolution No. 2020-104 by title.

MOTION: Councilor Valfre moved, seconded by Councilor Uhing, to approve Resolution No. 2020-104 Amending Council Rules to Incorporate an Introductory Statement and a Regular Session End Time.

Council Discussion:

In response to Rippe's inquiry pertaining to publishing updates as they occur, VanderZanden explained staff will incorporate the changes and update the Council Rules on the City's website as changes occur.

Hearing no further concerns from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors Kottkey, Rippe, Uhing, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

10. COUNCIL COMMUNICATIONS:

Kottkey provided updates on her neighborhood Focus Group meeting. In addition,

Kottkey offered to take the lead on the Council raffle basket for the city employees' raffle planned in December.

Rippe provided updates on various regional-related virtual meetings he attended and updates on Council Creek Trail. In addition, Rippe reported he attended Adelante Mujeres' virtual tour.

Uhing asked VanderZanden to please report back to Council if the Community Impact application has changed the scope of their grant proposal and if it was still in compliance with what was approved, noting she would like having an answer before making the appointments to the Community Policing Advisory Commission. In response to Uhing's inquiry pertaining to Diversity, Equity and Inclusion (DEI) training, VanderZanden noted DEI training will likely be conducted through the consultant. In addition, Uhing commended Valfre for his distinguished service during his term on the City Council.

Valenzuela provided an update on Metro's proposal to construct a new solid waste transfer station in Cornelius, noting Metro is hosting webinars. In addition, Valenzuela commended Valfre for his distinguished service during his term on the City Council.

Valfre read a statement in recognition of his appointed term on the City Council from 2017 to 2020.

Council President Wenzl reported Committee for Community Involvement is planning to host a Webinar for the Annual Town Meeting (ATM), scheduled for January 30, 2021, noting the topic is Community Policing in Forest Grove. Wenzl reported on Parks and Recreation Commission (P&R)-related activities and, noting P&R is planning a grand opening for Rogers Park and Anna and Abby's Yard dedication. Wenzl commended Valfre as she reflected on his distinguished service during his term on City Council. Wenzl also congratulated Rippe and Uhing for their reelection on City Council.

11. City Manager's Report:

VanderZanden referenced the City Manager's Report, which was included in the Council Packet. In addition, VanderZanden reported on various upcoming meetings and updates on department-related activities and projects.

12. MAYOR'S REPORT:

Mayor Truax commended outgoing City Councilor Val Valfre in recognition of his distinguished service during his appointed term on the City Council from 2017 to 2020. Mayor Truax noted Valfre was passionate on issues of homelessness and affordable housing and served on many regional and state committees advocating for change and improvement in these areas. Mayor Truax thanked him for, not only his

service in the military, but also his service to the residents of the City of Forest Grove. Mayor Truax also congratulated Rippe and Uhing for their reelection on City Council. Rippe and Uhing will serve a term of four years ending November, 2024. Uhing will be serving her fifth term as she was first elected to Council in November 2004. Rippe is beginning his second term as City Councilor. The Swearing-In Ceremony and formal recognition will be held via Webex on Monday, November 23, 2020, prior to the start of the regular Council meeting.

13. **ADJOURNMENT:**

Mayor Truax adjourned the regular Council meeting at 9:11 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder